

AMENDED IN SENATE JUNE 19, 2001
AMENDED IN ASSEMBLY MAY 15, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1437

Introduced by Assembly Member Leslie
(Coauthor: Senator Chesbro)

February 23, 2001

An act to add Section 24045.12 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1437, as amended, Leslie. Alcoholic beverages: licenses: bed and breakfast inn.

Existing law authorizes the Department of Alcoholic Beverage Control to issue a special on-sale wine license to any person operating a bed and breakfast inn, as specified.

This bill would authorize the department to issue a special on-sale general license to any person operating a bed and breakfast inn, as specified, to serve any alcoholic beverage, as defined, and to charge a \$200 fee ~~in an unspecified amount~~, *as provided*, for that license.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 24045.12 is added to the Business and
2 Professions Code, to read:

1 24045.12. (a) The department may issue a special on-sale
2 general license to an establishment licensed to do business as a bed
3 and breakfast inn.

4 (b) “Bed and breakfast inn,” as used in this section, means an
5 establishment of 20 guestrooms or fewer, that provides overnight
6 transient occupancy accommodations, that serves food only to its
7 registered guests, that serves only a breakfast or similar early
8 morning meal, and with respect to which the price of the food is
9 included in the price of the overnight transient occupancy
10 accommodation. For purposes of this section, “bed and breakfast
11 inn” refers to an establishment as to which the predominant
12 relationship between the occupants thereof and the owner or
13 operator of the establishment is that of innkeeper and guest. For
14 purposes of this section, the existence of some other legal
15 relationship as between some occupants and the owner or operator
16 is immaterial.

17 (c) An establishment holding a license under this section is
18 authorized to serve any alcoholic beverage, as defined in Section
19 23004, only to registered guests of the establishment. The
20 alcoholic beverage may not be given away to guests, but the price
21 of the beverage shall be included in the price of the overnight
22 transient occupancy accommodation. Guests may not be permitted
23 to remove any alcoholic beverage served in the establishment from
24 the grounds.

25 (d) An establishment holding a license under this section shall
26 purchase all beer, wine, or distilled spirits for sale on the licensed
27 premises from a licensed wholesaler or winegrower.

28 (e) The applicant for a license shall accompany the application
29 with an original fee of _____ and shall pay an annual renewal fee
30 of _____ for each guestroom in the establishment.

31 ~~SEC. 2.—It is the intent of the Legislature that the Department~~
32 ~~of Alcoholic Beverage Control recommend to the Legislature the~~
33 ~~amount of the fees to be charged pursuant to Section 24045.12 of~~
34 ~~the Business and Professions Code. In making that~~
35 ~~recommendation, it is the further intent of the Legislature that the~~
36 ~~department take into consideration whether the applicant for the~~
37 ~~license pursuant to Section 24045.12 was previously licensed~~
38 ~~pursuant to Section 24045.11. with an original fee of two hundred~~
39 ~~dollars (\$200) and shall pay an annual renewal fee of fifteen~~

- 1 *dollars (\$15) for each guestroom in the establishment, not to*
- 2 *exceed a total of two hundred dollars (\$200).*
- 3 *(f) A special on-sale general bed and breakfast inn license may*
- 4 *be transferred to another person but not to another location.*

O

